

REMARKS

Upon entry of this Amendment, claims 1, 6, 13 and 22 have been amended and claims 7-12 have been withdrawn. Thus, claims 1-6 and 13-25 are pending with claims 1, 6 and 22 being independent claims. It is believed that the above amendment now places the application in condition for allowance.

REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected claims 1-6, 13, 14 and 22 under 35 U.S.C. §103(a) as being allegedly unpatentable over Pinsky (US 5,469,353) in view of Cosie (“An open medical imaging workstation architecture for platform-independent 3-D medical image processing and visualization”). The Applicants respectfully traverse the rejection.

Independent claims 1, 6, and 22 for a discrete software system, a method, and an apparatus respectively recite, *inter alia*, interfacing a central dictation system and a radiology information system having a first application module for interfacing with the radiology information system and a second application module for interfacing with the central dictation system and the first application module to communicate with the radiology information system. Most importantly, claims 1, 6, and 22 recite a *central dictation system* and a radiology information system. Upon entry of the foregoing amendment, claims 1, 6, and 22 now also include the central dictation system having a *dictation server*.

By stark contrast, Pinsky and Cosie fail to disclose a *central dictation system* at all, much less an interface between a central dictation system and a radiology information system using a first application module and a second application module. The Examiner alleges that the acquiring sites and the interpreting sites in Pinsky teach a radiology system and a central dictation system. However, a close reading of Pinsky indicates that Pinsky actually discloses only a radiology system for providing high quality, timely medical interpretation of radiological images on a national and regional basis. The radiology system disclosed by Pinsky consists of essentially two parts: the acquiring sites, where radiology images are collected; and interpreting

sites, where diagnostics and interpretations of the radiology images are created. Cosie only discloses workstation architecture for viewing radiology images on multiple kinds of computer workstations. Most notably, Cosie teaches an architecture where application program interfaces (API) allow two *radiology computers*, with different performance capabilities, to view the same radiology image.

In the Examiner's rejection of the independent claims 1, 6, and 22, the Examiner relies on the only use of the word "dictates" in column 6, lines 34-40 of Pinsky. However, column 6, lines 34-40 actually only discusses how a radiologist typically "dictates" a report after an interpretation has been made. Absolutely no explicit or implied connection is made in Pinsky between the interpretation site and the dictation taking place on the interpretation site. All that is mentioned in Pinsky is that "after making an interpretation," a "radiologist typically dictates a report" (column 6, lines 34-35). Pinsky, does not teach that the interpreting site performs the dictation, transcription, and other dictation system functions. Further, this language does not establish a *central dictation system* as claimed in the instant application. It appears to the Applicants that the Examiner is using hindsight reconstruction to suggest that the interpretation site performs dictation and transcription when no such connection is taught or suggested by Pinsky.

Further, column 6, lines 34-40 and column 12, lines 52-60 actually teaches away from the Examiner's reading of Pinsky. First, column 6, lines 34-40 teaches away from a separate and distinct central dictation system by teaching that the dictated report created by the radiologist will be "treated as any other medical test result by the medical record handling system at the acquiring site." This text, relied upon by the examiner to teach a central dictation system, actually teaches a *medial record handling system* as explicitly stated in Pinsky and not Applicant's claimed

central dictation system. Second, column 12, lines 52-60 also teaches away from the interpreting site being a central dictation system in Pinsky. Column 12, lines 52-60 teach the interpreting sites include viewing equipment and typically image acquisition equipment and an *image server*.

On the contrary, Applicant's claim a central dictation system with a *dictation server*, which is fully supported by the Applicant's specification on page 7, lines 7-14 and Figure 1. Therefore, by teaching a "medical record handling system" and an "image server", Pinsky specifically teaches away from the central dictation system as claimed in the instant application.

Moreover, each of the independent claims as amended above, now recite the central dictation system having a dictation server. Referring to Pinsky, there is no teaching or even a suggestion of a dictation server in Pinsky, Cosie or the combination of the two. In fact, Pinsky teaches away from the currently amended claims 1, 6, and 22 by teaching that any dictated and transcribed reports would be treated as any other medical test result by the medical record handling system instead of by a *central dictation system* having a *dictation server*.

Accordingly, Pinsky and Cosie fail to disclose each and every claim element of the invention as recited by independent claims 1, 6, and 22. Thus, it is respectfully submitted that claims 1, 6, and 22 are patentable over the cited prior art and that the rejection be withdrawn.

As dependent claims inherently include each and every limitation of the independent claim from which they depend, Pinsky and Cosie also fail to teach each and every limitation of claims 2-5, 13 and 14. As such, it is respectfully submitted that claims 2-5, 13 and 14 are also patentable over the cited prior art and it is requested that the rejection be withdrawn.

Specifically referring to the Examiner's rejection of claim 3, the Examiner cites column 9, lines 8-16 as teaching "storage to store image, col. 9 lines 8-16." However, it is unclear to the

Applicants where in the cited column 9, lines 8-16 the reference teaches a “mass storage component in which the central dictation system stores voice files corresponding to dictation jobs.” Column 9, lines 8-16 never mentions voice files and more importantly does not even discuss the storage of images as suggested by the Examiner. Column 9, lines 8-16 only discusses the conversion and transmission of radiology images.

Accordingly, Pinsky and Cosie fail to disclose each and every claim element of the invention as recited by claim 3. Thus, it is respectfully submitted that claim 3 is patentable over the cited prior art and that the rejection be withdrawn.

Referring to the Examiner’s rejection of claim 5, the Examiner cites column 7, lines 16-50 as teaching a first protocol DLL, a second protocol DLL and a communication DLL. However, the cited column 7, lines 16-50 only discusses the ability to transmit the radiology images between computers. The cited column 7, lines 16-50 does not teach the protocol DLL, as claimed in the present application, which is required to allow the different types of data in the radiology information system and the central dictation system to communicate. Most importantly is the difference between DLL technology and the types of communication standards discussed in the cited column 7, lines 16-50. Dynamic linked libraries (DLL) allow files to be converted and read by applications and programs that use different systems for file construction and storage. The cited column 7, lines 16-50 discusses the different kind of standard transfer rates and digital links. Although, the terms dynamic linked library and digital link refer to “links”, the digital link discussed in column 7, lines 16-50 is a fundamentally different technology than the dynamic linked library (DLL) as recited in claim 5.

Accordingly, Pinsky and Cosie fail to disclose each and every claim element of the invention as recited by claim 5. Thus, it is respectfully submitted that claim 5 is patentable over the cited prior art and that the rejection be withdrawn.

Referring to the Examiner's rejection of claim 13, the Examiner cites column 9, lines 9-15 as teaching a DLL to translate between communication system format and of the radiology information system and the raw data format. However, as clearly stated, the cited column 9, lines 9-15 only discusses the converting the charged phosphor plate into an image. This translation described is significantly different from the translation as recited in the claim 13 and as described in the present application. The claimed translation covers the ability to have a file typically readable and usable in one system, such as a radiology information system, translated into a file that can be typically readable and usable in another system, such as a central dictation system. The translation described and used by the Examiner in the rejection of claim 13 does not teach the recited translation using DLL technology but rather is equivalent to developing film or a charged phosphor plate.

Accordingly, Pinsky and Cosie fail to disclose each and every claim element of the invention as recited by claim 13. Thus, it is respectfully submitted that claim 13 is patentable over the cited prior art and that the rejection be withdrawn.

Referring to the Examiner's rejection of claim 14, the Examiner cites column 6, lines 24-40 as teaching a DLL protocol to convert between raw data format to a messaging protocol for the central dictation system. However, the cited column 6, lines 24-40 does not mention at all a central dictation system and more importantly does not mention a *messaging protocol* of the central dictation system as required by the recitations of claim 14. Moreover, the cited column 6,

lines 24-40 does not even discuss the process of converting anything at all. The “state of the art technology”, referred to by the Examiner, is equivalent to a powerful computer that can handle very high resolution images that other computer cannot. However, the “state of the art technology” does not change or convert the file or image in any way such that the file can be read by a different system. It is also important to note that the words “dynamic linked library” are not mentioned once in either Pinsky or Cosie.

Accordingly, Pinsky and Cosie fail to disclose each and every claim element of the invention as recited by claim 14. Thus, it is respectfully submitted that claim 14 is patentable over the cited prior art and that the rejection be withdrawn.

The Office Action also rejected claims 15-17 and 23-25 under 35 U.S.C. §103(a) as being allegedly unpatentable over Pinsky (US 5,469,353) in view of Cosie (“An open medical imaging workstation architecture for platform-independent 3-D medical image processing and visualization”) and in further view of Bessette (US 6,263,330). The Applicants respectfully traverse the rejection.

As discussed above, independent claims 6 and 22 are allowable over the cited references because Pinsky and Cosie fail to teach or fairly suggest each and every element of claims 6 and 22.

As dependent claims inherently include each and every limitation of the independent from which they depend, Pinsky, Cosie, and Bessette also fail to teach each and every limitation of claims 15-17 and 23-25. As such, it is respectfully submitted that claims 15-17 and 23-25 are also patentable over the cited prior art and it is requested that the rejection be withdrawn.

The Office Action rejected claims 18-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over Pinsky (US 5,469,353) in view of Cosie (“An open medical imaging workstation architecture for platform-independent 3-D medical image processing and visualization”) in further view of Bessette (US 6,263,330) and in further view of Cooke (US 6,574,629). The Applicants respectfully traverse the rejection.

As discussed above, independent claim 6 is allowable over the cited references because Pinsky and Cosie fail to teach or fairly suggest each and every element of claim 6.

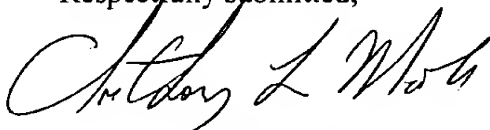
As dependent claims inherently include each and every limitation of the independent from which they depend, Pinsky, Cosie, Bessette, and Cooke also fail to teach each and every limitation of claims 18-21. As such, it is respectfully submitted that claims 18-21 are also patentable over the cited prior art and it is requested that the rejection be withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and that the above amendment places the application in condition for allowance. As such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony L. Meola", written in a cursive style.

Anthony L. Meola (Reg. No. 44,936)

Date: June 28, 2004

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800